

AMENDED IN ASSEMBLY JANUARY 15, 2010

AMENDED IN ASSEMBLY JANUARY 5, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 391

Introduced by Assembly Member Torlakson
(Coauthor: Assembly Member Brownley)

February 23, 2009

~~An act to amend 60604 of, and to add Section and repeal Section 60649.1 to, the Education Code, relating to pupil assessment. An act to amend Section 60603 of, and to add Section 60604.6 to, the Education Code, relating to pupil assessment.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 391, as amended, Torlakson. Pupil assessment: STAR Program.

(1) The Leroy Greene California Assessment of Academic Achievement Act ~~requires the Superintendent of Public Instruction to design and implement~~ *provides for the development of* a statewide pupil assessment program, *and defines various terms for those purposes*. ~~The act makes this provision inoperative on July 1, 2011, and repeals it on January 1, 2012.~~

~~This bill would extend the operation of that provision to July 1, 2012, and the repeal date to January 1, 2013~~ *define additional terms for those purposes*.

(2) The act establishes the Standardized Testing and Reporting Program (the STAR Program), pursuant to which school districts, charter schools, and county offices of education are required to administer achievement tests to each of their pupils in grades 2 to 11, inclusive.

This bill would require the Superintendent of Public Instruction, on or before April 1, 2011, to contract ~~with~~ *for* an independent evaluator for evaluation of the STAR Program, as specified. ~~The bill would require the independent evaluator to complete a report containing the findings of his or her evaluation.~~ The Superintendent would be required to provide this evaluation to the Legislature, the Governor, and the State Board of Education on or before November 1, 2011. ~~The bill would require an existing advisory committee to advise the Superintendent on the independent evaluation of the STAR Program, including making recommendations regarding the selection of the independent evaluator and the evaluation parameters. The bill would require the Superintendent to appoint 4 additional members to the advisory committee for these purposes.~~ The bill would require the State Department of Education to use specified federal funds, not exceeding the amount of \$150,000, for the purpose of contracting for the evaluation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 60603 of the Education Code, as amended*
- 2 *by Section 10 of Chapter 2 of the Fifth Extraordinary Session of*
- 3 *the Statutes of 2009, is amended to read:*
- 4 60603. As used in this chapter:
- 5 (a) “Achievement test” means any standardized test that
- 6 measures the level of performance that a pupil has achieved in the
- 7 core curriculum areas.
- 8 (b) “Assessment of applied academic skills” means a form of
- 9 assessment that requires pupils to demonstrate their knowledge
- 10 of, and ability to apply, academic knowledge and skills in order
- 11 to solve problems and communicate. It may include, but is not
- 12 limited to, writing an essay response to a question, conducting an
- 13 experiment, or constructing a diagram or model. An assessment
- 14 of applied academic skills may not include assessments of personal
- 15 behavioral standards or skills, including, but not limited to, honesty,
- 16 sociability, ethics, or self-esteem.
- 17 (c) “Basic academic skills” means those skills in the subject
- 18 areas of reading, spelling, written expression, and mathematics
- 19 that provide the necessary foundation for mastery of more complex

1 intellectual abilities, including the synthesis and application of
2 knowledge.

3 (d) “Content standards” means the specific academic knowledge,
4 skills, and abilities that all public schools in this state are expected
5 to teach and all pupils expected to learn in each of the core
6 curriculum areas, at each grade level tested.

7 (e) “Core curriculum areas” means the areas of reading, writing,
8 mathematics, history-social science, and science.

9 (f) “Diagnostic assessment” means interim assessments of the
10 current level of achievement of a pupil that serves both of the
11 following purposes:

12 (1) The identification of particular academic standards or skills
13 a pupil has or has not yet achieved.

14 (2) The identification of possible reasons that a pupil has not
15 yet achieved particular academic standards or skills.

16 (g) “Direct writing assessment” means an assessment of applied
17 academic skills that requires pupils to use written expression to
18 demonstrate writing skills, including writing mechanics, grammar,
19 punctuation, and spelling.

20 (h) “End of course exam” means a comprehensive and
21 challenging assessment of pupil achievement in a particular subject
22 area or discipline.

23 (i) “*Formative assessment*” means assessment questions, tools,
24 and processes that are embedded in instruction and are used by
25 teachers and pupils to provide timely feedback for purposes of
26 adjusting instruction to improve learning.

27 (j) “*High-quality assessment*” means an assessment designed
28 to measure a pupil’s knowledge of, understanding of, and ability
29 to apply, critical concepts through the use of a variety of item types
30 and formats, such as open-ended responses and performance-based
31 tasks. The assessments should enable measurement of pupil
32 achievement and pupil growth; be of high technical quality by
33 being valid, reliable, fair, and aligned to standards; incorporate
34 technology where appropriate; include the assessment of pupils
35 with disabilities and English learners; and, to the extent feasible,
36 use universal design principles, as defined in Section 3 of the
37 federal Assistive Technology Act of 1998 (29 U.S.C. Sec. 3002) in
38 development and administration.

39 (k) “*Interim assessment*” means an assessment that is given at
40 regular and specified intervals throughout the school year, is

1 *designed to evaluate a pupil's knowledge and skills relative to a*
2 *specific set of academic standards, and produces results that can*
3 *be aggregated by course, grade level, school, or local educational*
4 *agency, in order to inform teachers and administrators at the pupil,*
5 *classroom, school, and local educational agency levels.*

6 ~~(i)~~

7 (l) "Performance standards" are standards that define various
8 levels of competence at each grade level in each of the curriculum
9 areas for which content standards are established. Performance
10 standards gauge the degree to which a pupil has met the content
11 standards and the degree to which a school or school district has
12 met the content standards.

13 ~~(j)~~

14 (m) "Publisher" means a commercial publisher or any other
15 public or private entity, other than the department, which is able
16 to provide tests or test items that meet the requirements of this
17 chapter.

18 ~~(k)~~

19 (n) "Statewide pupil assessment program" means the systematic
20 achievement testing of pupils in grades 2 to 11, inclusive, pursuant
21 to the standardized testing and reporting program under Article 4
22 (commencing with Section 60640) and the assessment of basic
23 academic skills and applied academic skills, administered to pupils
24 in grade levels specified in subdivision (c) of Section 60605,
25 required by this chapter in all schools within each school district
26 by means of tests designated by the state board.

27 *SEC. 2. Section 60604.6 is added to the Education Code, to*
28 *read:*

29 *60604.6. (a) On or before April 1, 2011, the Superintendent*
30 *shall contract with an independent evaluator, who shall report to*
31 *him or her, for evaluation of the STAR Program. The evaluation*
32 *shall be a meta-analysis of existing information and data from the*
33 *STAR Program based upon all of the following:*

34 *(1) Information gathered in field testing and annual*
35 *administrations of the STAR assessments.*

36 *(2) Existing technical reports, peer reviews, and other studies,*
37 *reports, and evaluations of the STAR Program conducted by or at*
38 *the request of the department, the Legislature, or the state board.*

39 *(3) State and federal requirements.*

40 *(4) A review of research-based alternative assessment models.*

1 (5) *A review of existing and emerging practices in large-scale*
2 *assessment from across the nation.*

3 (b) *The evaluation shall include, but shall not necessarily be*
4 *limited to, all of the following:*

5 (1) *A report on the results of prior analyses regarding the*
6 *alignment between the STAR assessments and the full range of the*
7 *content standards adopted pursuant to Sections 60605 and 60605.8,*
8 *and a determination of whether the STAR Program assesses pupil*
9 *knowledge in the same manner and at the same level of complexity*
10 *as expected in those content standards.*

11 (2) *An independent analysis of the grade level continuity and*
12 *vertical articulation of the content standards.*

13 (3) *An independent analysis of the ability of the tests to produce*
14 *scores for an individual pupil that can be validly compared from*
15 *year to year for both groups and individuals.*

16 (4) *An independent analysis of the use of content standards in*
17 *other core curriculum areas for testing items, as applicable.*

18 (5) *A report on the results of prior analyses regarding pupil*
19 *performance, broken down by assessment, grade level, race or*
20 *ethnicity, and end-of-course assessments, including any trends*
21 *that become apparent over time.*

22 (6) *An independent analysis of the degree to which the STAR*
23 *Program complies with professional testing standards and satisfies*
24 *or exceeds state and federal requirements for assessments for each*
25 *grade level.*

26 (7) *An independent analysis of the usefulness of the STAR*
27 *Program in terms of state and local program evaluations.*

28 (8) *An independent analysis of the usefulness of the STAR*
29 *Program in providing individual results, providing a diagnostic*
30 *assessment for classroom use, and providing formative and interim*
31 *assessments in order to better inform instruction and improve*
32 *learning.*

33 (9) *An independent analysis of the feasibility and cost of the*
34 *development and administration of a diagnostic alternative test*
35 *in grade levels and content standard areas that are not required*
36 *to have an assessment under federal law.*

37 (c) *The report by the independent evaluator containing the*
38 *findings of his or her evaluation shall include, but shall not be*
39 *limited to, all of the following:*

1 (1) *Improving the quality, fairness, validity, and reliability of*
2 *the examinations for both groups and individuals, including pupils*
3 *with disabilities and English learners.*

4 (2) *Revising the design, administration, scoring, processing, or*
5 *use of the examinations to ensure compliance with state and federal*
6 *requirements in an efficient manner.*

7 (3) *Revising the examinations to improve grade level continuity*
8 *and vertical alignment of standards-aligned test content and the*
9 *ability of the tests to produce scores for an individual pupil that*
10 *can be validly compared from year to year.*

11 (4) *Revising the examination to improve integration of content*
12 *standards in other core curriculum areas for testing items, as*
13 *applicable.*

14 (5) *Improving the usefulness of the test to the state, local*
15 *educational agencies, schools, teachers, pupils, and parents,*
16 *including making use of test administration and scoring*
17 *technologies that will allow the return of test results to parents*
18 *and teachers as soon as possible in order to support instructional*
19 *improvement.*

20 (6) *Revising the STAR Program to provide pupil-level diagnostic*
21 *information, to provide a diagnostic assessment for classroom use,*
22 *and to provide formative and interim assessments in order to better*
23 *inform instruction and improve learning.*

24 (7) *Developing and implementing alternative diagnostic*
25 *assessments that align with state academic content standards.*

26 (8) *Developing and implementing alternatives to the current*
27 *testing format to allow the greatest aggregate base for assessing*
28 *districtwide performance on content standards.*

29 (9) *Transitioning to a system of high-quality assessments, as*
30 *defined in this chapter.*

31 (10) *Aligning the assessments with the content standards*
32 *adopted pursuant to Sections 60605 and 60605.8, and the*
33 *performance standards adopted pursuant to Section 60605.5.*

34 (11) *Ensuring that no aspect of the system creates any bias with*
35 *respect to race, ethnicity, culture, religion, gender, or sexual*
36 *orientation.*

37 (12) *Incorporating a variety of item types and formats,*
38 *including, but not limited to, open-ended responses and*
39 *performance-based tasks.*

1 (13) *Generating multiple measures of pupil achievement, which,*
2 *when combined with other measures, can be used to determine the*
3 *effectiveness of instruction and the extent of learning.*

4 (14) *Assessing a pupil's understanding of and ability to use the*
5 *technology necessary for success in the 21st century classroom*
6 *and workplace.*

7 (15) *Minimizing testing time, while not jeopardizing the validity,*
8 *reliability, fairness, or instructional usefulness of the assessment*
9 *results.*

10 (d) *In order to provide the Legislature with adequate*
11 *information to consider reauthorization of the STAR Program, the*
12 *Superintendent shall provide the evaluation to the Legislature, the*
13 *Governor, and the state board on or before November 1, 2011.*

14 (e) *The advisory committee established pursuant to Section*
15 *52052.5 shall advise the Superintendent on the independent*
16 *evaluation by providing all of the following:*

17 (1) *Recommendations regarding the parameters of the*
18 *evaluation.*

19 (2) *Recommendations regarding any request for proposals or*
20 *request for applications used to solicit contract proposals.*

21 (3) *Recommendations regarding the selection of the contractor.*

22 (4) *A review of any reports submitted by the independent*
23 *evaluator, including any midterm reports as well as the final*
24 *evaluation.*

25 (f) *The Superintendent shall appoint four additional members,*
26 *who shall be educators or individuals having expertise in*
27 *large-scale assessment and who shall serve only for the purposes*
28 *of subdivision (f), to the advisory committee established pursuant*
29 *to Section 52052.5.*

30 (g) *The department shall use federal funds made available under*
31 *Title VI of the federal No Child Left Behind Act of 2001 (20 U.S.C.*
32 *Sec. 7301 et seq.), not to exceed one hundred fifty thousand dollars*
33 *(\$150,000), for the purpose of contracting for this evaluation.*

34 ~~SECTION 1. Section 60604 of the Education Code is amended~~
35 ~~to read:~~

36 ~~60604. (a) The Superintendent shall design and implement,~~
37 ~~consistent with the timetable and plan required pursuant to~~
38 ~~subdivision (b), a statewide pupil assessment program consistent~~
39 ~~with the testing requirements of this article in accordance with the~~

objectives set forth in Section 60602. That program shall include all of the following:

(1) A plan for producing valid, reliable, and comparable individual pupil scores in grades 2 to 11, inclusive, and a comprehensive analysis of these scores based on the results of the achievement test designated by the state board that assesses a broad range of basic academic skills pursuant to the Standardized Testing and Reporting (STAR) Program established by Article 4 (commencing with Section 60640).

(2) A method of working with publishers to ensure valid, reliable, and comparable individual, grade-level, school-level, district-level, county-level, and statewide scores in grades 2 to 11, inclusive.

(3) Statewide academically rigorous content and performance standards that reflect the knowledge and skills that pupils will need in order to succeed in the information-based, global economy of the 21st century. These skills shall not include personal behavioral standards or skills, including, but not limited to, honesty, sociability, ethics, or self-esteem.

(4) A statewide system that provides the results of testing in a manner that reflects the degree to which pupils are achieving the academically rigorous content and performance standards adopted by the state board.

(5) The alignment of assessment with the statewide academically rigorous content and performance standards adopted by the state board.

(6) The active, ongoing involvement of parents, classroom teachers, administrators, other educators, governing board members of school districts, and the public in all phases of the design and implementation of the statewide pupil assessment program.

(7) The development of a contract or contracts with a publisher or publishers, after the approval of statewide academically rigorous content standards by the state board, for the development of performance standards and assessments of applied academic skills designed to test pupils' knowledge of academic skills and abilities to apply that knowledge and those skills in order to solve problems and communicate.

(b) The Superintendent shall develop and annually update for the Legislature a five-year cost projection, implementation plan, and timetable for implementing the program described in

1 subdivision (a). The annual update shall be submitted on or before
2 March 1 of each year to the chairperson of the fiscal subcommittee
3 considering budget appropriations in each house. The update shall
4 explain any significant variations from the five-year cost projection
5 for the current year budget and the proposed budget.

6 ~~(e) The Superintendent shall provide each school district with~~
7 ~~guidelines for professional development that are designed to assist~~
8 ~~classroom teachers to use the results of the assessments~~
9 ~~administered pursuant to this chapter to modify instruction for the~~
10 ~~purpose of improving pupil learning. These guidelines shall be~~
11 ~~developed in consultation with classroom teachers and approved~~
12 ~~by the state board before dissemination.~~

13 ~~(d) The Superintendent and the state board shall consider~~
14 ~~comments and recommendations from school districts and the~~
15 ~~public in the development, adoption, and approval of assessment~~
16 ~~instruments.~~

17 ~~(e) The results of the achievement test administered pursuant~~
18 ~~to Article 4 (commencing with Section 60640) shall be returned~~
19 ~~to the school district within the period of time specified by the~~
20 ~~state board.~~

21 ~~(f) Notwithstanding Section 60601, this section shall become~~
22 ~~inoperative on July 1, 2012, and, as of January 1, 2013, is repealed,~~
23 ~~unless a later enacted statute, that becomes operative on or before~~
24 ~~January 1, 2013, deletes or extends the dates on which it becomes~~
25 ~~inoperative and is repealed.~~

26 ~~SEC. 2. Section 60649.1 is added to the Education Code, to~~
27 ~~read:~~

28 ~~60649.1. (a) On or before April 1, 2011, the Superintendent~~
29 ~~shall contract with an independent evaluator, who shall report to~~
30 ~~him or her, for evaluation of the STAR Program. The evaluation~~
31 ~~shall be a meta-analysis of existing information and data from the~~
32 ~~STAR Program based upon all of the following:~~

33 ~~(1) Information gathered in field testing and annual~~
34 ~~administrations of the STAR assessments.~~

35 ~~(2) Existing technical reports, peer reviews, and other studies,~~
36 ~~reports, and evaluations of the STAR Program conducted by or at~~
37 ~~the request of the department, the Legislature, or the state board.~~

38 ~~(3) State and federal requirements.~~

39 ~~(4) A review of research-based alternative assessment models.~~

~~(5) A review of existing and emerging practices in large-scale assessment from across the nation.~~

~~(b) The evaluation shall include, but shall not necessarily be limited to, all of the following:~~

~~(1) A report on the results of prior analyses regarding the alignment between the STAR assessments and the full range of the content standards and a determination of whether the STAR Program assesses pupil knowledge in the same manner and at the same level of complexity as expected in the content standards.~~

~~(2) An independent analysis of the grade level continuity and vertical articulation of the content standards.~~

~~(3) An independent analysis of the ability of the tests to produce scores for an individual pupil that can be validly compared from year to year.~~

~~(4) An independent analysis of the use of content standards in other core curriculum areas for testing items, as applicable.~~

~~(5) A report on the results of prior analyses regarding pupil performance, broken down by assessment, grade level, race or ethnicity, and end-of-course assessments, including any trends that become apparent over time.~~

~~(6) An independent analysis of the degree to which the STAR Program complies with professional testing standards and satisfies or exceeds state and federal requirements for assessments for each grade level.~~

~~(7) An independent analysis of the usefulness of the STAR Program in terms of state and local program evaluations.~~

~~(8) An independent analysis of the usefulness of the STAR Program in providing individual results and in terms of providing a diagnostic assessment for classroom use.~~

~~(9) An independent analysis of the feasibility and cost of the development and administration of a diagnostic alternative test in grade levels and content standard areas that are not required to have an assessment under federal law.~~

~~(c) The report by the independent evaluator containing the findings of his or her evaluation shall include, but shall not necessarily be limited to, all of the following:~~

~~(1) Recommendations to improve the quality, fairness, validity, and reliability of the examinations.~~

~~(2) Recommendations for revisions in design, administration, scoring, processing, or use of the examinations to ensure~~

1 compliance with state and federal requirements in an efficient
2 manner.

3 (3) Recommendations for revisions of the examinations to
4 improve grade level continuity and vertical alignment of
5 standards-aligned test content and the ability of the tests to produce
6 scores for an individual pupil that can be validly compared from
7 year to year.

8 (4) Recommendations for revisions of the examination to
9 improve integration of content standards in other core curriculum
10 areas for testing items, as applicable.

11 (5) Recommendations to improve the usefulness of the test to
12 the state, local educational agencies, schools, teachers, pupils, and
13 parents.

14 (6) Recommendations regarding revisions that would allow the
15 STAR Program to provide pupil-level diagnostic information and
16 to provide a diagnostic assessment for classroom use.

17 (7) Recommendations regarding alternative diagnostic
18 assessments that align with state academic content standards.

19 (8) Recommendations regarding alternatives to the current
20 testing format to allow the greatest aggregate base for assessing
21 districtwide performance on content standards.

22 (d) In order to provide the Legislature with adequate information
23 to consider reauthorization of the STAR Program, the
24 Superintendent shall provide the evaluation to the Legislature, the
25 Governor, and the state board on or before November 1, 2011.

26 (e) The advisory committee established pursuant to Section
27 52052.5 shall advise the Superintendent on the independent
28 evaluation by providing all of the following:

29 (1) Recommendations regarding the parameters of the
30 evaluation.

31 (2) Recommendations regarding any request for proposals or
32 request for applications used to solicit contract proposals.

33 (3) Recommendations regarding the selection of the contractor.

34 (4) A review of any reports submitted by the independent
35 evaluator, including any midterm reports as well as the final
36 evaluation.

37 (f) The Superintendent shall appoint four additional members,
38 who shall be educators or individuals having expertise in
39 large-scale assessment and who shall serve only for the purposes

1 of subdivision (f), to the advisory committee established pursuant
2 to Section 52052.5.
3 (g) The department shall use federal funds made available under
4 Title VI of the No Child Left Behind Act of 2001 (20 U.S.C. Sec.
5 7301 et seq.), not to exceed one hundred fifty thousand dollars
6 (\$150,000), for the purpose of contracting for this evaluation.

O